

### SUPPORT FOR THE AMENDMENT

Support for the amendment to claim 1 is found in claim 10 as originally presented. Support for the amendment to claim 3 is found on page 7, lines 23-24 of the specification. Support for the amendment to claims 6 and 7 is found on page 10, lines 6-7 of the specification. Support for the amendment to claim 8 is found on page 13, lines 20-21 of the specification. Support for the amendment to claim 9 is found on page 16, lines 15-16 of the specification. Support for claim 11 is found beginning on page 7, line 24 through page 8, line 1 of the specification. Support for claim 12 is found on page 8, lines 6-9 of the specification. Support for claim 13 is found on page 13, lines 21-22 of the specification. Support for claim 14 is found on page 14, lines 3-6 of the specification. Support for claim 15 is found on page 16, lines 15-17 of the specification. Support for claim 16 is found on page 17, lines 3-4 of the specification. Support for claim 17 is found on page 17, lines 24-25 of the specification. Support for claims 18 and 19 is found on page 6, lines 3-6 and beginning on page 21, line 23 through page 22, line 3 of the specification. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 1-9 and 11-19 will now be active in this application.

### REQUEST FOR RECONSIDERATION

The claimed invention is directed to a skin cleansing composition as well as a method of skin cleansing.

Applicant wishes to thank examiner Channavajjala for the helpful and courteous discussion held with their U.S. representative on May 30, 2007. At that time, applicant's U.S. representative argued that the primary reference failed to disclosed or suggest an isotropic liquid phase exhibiting a bicontinuous structure but rather described a **solidified**

**microemulsion** which could not be modified to render the claimed invention obvious. The following is intended to expand upon the discussion with the examiner.

Skin cleaning often faces the problem of concurrently removing oil-soluble and water-soluble material. Emulsion formulations can provide imbalanced cleansing ability favoring removal of the stains compatible with the continuous phase of the emulsion. Efforts to date with compositions of a bicontinuous structure have displayed difficulty with respect to cleansing ability, removability, as well as environmental compatibility. Accordingly, skin cleansing compositions demonstrating broad soil removing ability are sought.

The claimed invention addressed this problem by providing a skin cleaning composition comprising an oil component, a hydrophilic nonionic surfactant, a lipophilic amphiphile, a water-soluble solvent and water, the composition having an isotropic liquid phase exhibiting a bicontinuous structure and a ratio of water-soluble substance to hydrophilic nonionic surfactant plus lipophilic amphiphile of at least 1. Applicant has discovered that such a composition having an isotropic liquid phase exhibiting a bicontinuous structure provides for effective skin cleaning of both oil and aqueous stains. Such a skin cleaning composition is nowhere disclosed or suggested in the cited prior art of record.

The rejection of claims 1-10 under 35 U.S.C. § 103(a) over Brucks et al. U.S. 2003/013921 in view of Watanabe et al. U.S. 6,346,507 is respectfully traversed.

The cited combination of references fails to disclose or suggest the claimed skin cleansing composition having an isotropic liquid phase exhibiting a bicontinuous structure.

Brucks et al. describes a structured microemulsion having a hardness of at least 0.003 N/mm<sup>2</sup>. (Paragraph [0022]). The antiperspirant microemulsion is solidified ([0023]). This reference fails to suggest an isotropic liquid phase exhibiting a bicontinuous structure.

In contrast, the claimed invention is directed to a skin cleansing composition having an isotropic liquid phase exhibiting a bicontinuous structure. Applicant notes, that an

isotropic liquid phase exhibiting a bicontinuous structure means that the composition is a transparent or translucent **low-viscosity solution** which has an aqueous phase and an oil phase each existing continuously and is optically isotropic (Page 18, lines 4-8 of the specification). The reference is directed to a **solidified composition**, which in no way discloses or suggests the claimed composition having an **isotropic liquid phase** exhibiting a bicontinuous structure.

The secondary reference of Watanabe does not cure the basic deficiencies of the primary reference.

Applicant notes, that page 4 of Applicant's specification makes no admissions as to the equivalence of JP 2000-256124 with U.S. 6,346,507 as U.S. 6,346,507 is not disclosed on page 4 of Applicant's specification.

The examiner asserts that it would have been obvious to use the antiperspirant stick composition of Brucks et al. as a skin cleansing composition as Watanabe et al. describes a skin cleaning composition having a bicontinuous type microemulsion alleged by the examiner to be similar to the microemulsion of Brucks et al.

However, even if it were obvious to use the antiperspirant stick having a solid shape of Brucks et al. as a skin cleanser, the composition of Brucks fails to have an isotropic liquid phase exhibiting a bicontinuous structure and accordingly, the claimed skin cleansing composition would not be rendered obvious from the cited combination of references.

Moreover, it is not possible to modify the disclosure of Brucks et al. to render the claimed invention obvious as a solidified microemulsion can not be transformed into an isotropic liquid phase exhibiting a bicontinuous structure without destroying the essential teaching of Brucks et al. to provide a solidified antiperspirant composition. An isotropic liquid phase exhibiting a bicontinuous structure, a low-viscosity solution, is inconsistent with the goal of the reference to provide a solidified composition to be used as an antiperspirant.

As the cited references fails to disclose or suggest a skin cleaning composition having an isotropic liquid phase exhibiting a bicontinuous structure comprising an oil component, a nonionic surfactant, a lipophilic amphiphile, a water-soluble solvent and water, the claimed invention is clearly not rendered obvious by this combination of references and accordingly withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

During the discussion with the examiner, the examiner questioned the patentability of the claimed invention in view of the single reference of Watanabe et al.

Applicant notes, that Watanabe merely describes a composition comprising a silicon oil, a nonionic surfactant, a hydroxyl-containing water-soluble substance and water. While the amount of water-soluble substance is broadly described as from 1-50 wt% there is no disclose of any proportional relationship between the amount of water-soluble substance with the amount of nonionic surfactant. In addition, there is no suggestion to have both a hydrophilic nonionic surfactant and a lipophilic amphiphile present, relative to the amount of water-soluble substance. As such, there is no disclosure or suggestion of a weight ratio of water-soluble substance to the sum of hydrophilic nonionic surfactant and lipophilic amphiphile to be 1 or greater.

In contrast, the claimed invention is directed to a skin cleansing composition in which the ratio of water-soluble substance to hydrophilic nonionic surfactant and lipophilic amphiphile to be 1 or greater. Applicant notes, that claim 1 has been amended to recite this ratio. As Watanabe fails to disclose or suggest any relationship between the amount of water-soluble substance with an amount of nonionic surfactant nor to have both a hydrophilic nonionic surfactant and a lipophilic amphiphile present, relative to the amount of water-soluble substance, the claimed invention is clearly neither anticipated nor rendered obvious from this reference.

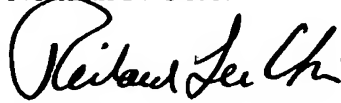
Applicant respectfully requests that the examiner acknowledge consideration of the Information Disclosure Statement submitted on April 18, 2007.

Applicant submits this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon



---

Richard L. Chinn, Ph.D.  
Registration No. 34,305

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)